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United States Department of Agriculture.

REGULATIONS FOR THE PROTECTION OF GAME IN ALASKA.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., August 22, 1903.

In the act of June 7, 1902 (32 Stat. L., 327), Congress has provided a comprehensive law for the protection of game in Alaska. Prior to the enactment of this statute the only protection accorded game in the Territory was a prohibition of the destruction and shipment of eggs of cranes, ducks, brant, and geese, contained in the act of June 6, 1900 (31 Stat. L., 332). The act of 1902, commonly known as the Alaska Game Law, defines game, fixes open seasons, restricts the number which may be killed, declares certain methods of hunting unlawful, prohibits the sale of hides, skins, or heads at any time, and prohibits export of game animals or birds except for scientific purposes, for propagation, or for trophies, under restrictions prescribed by the Department of Agriculture. The law also authorizes the Secretary of Agriculture, when such action is necessary, to place further restrictions on killing in certain regions. The importance of this provision is already apparent. Owing to the fact that nearly all persons who go to Alaska to kill big game visit a few easily accessible localities—notably Kodiak Island, the Kenai Peninsula, and the vicinity of Cook Inlet—it has become necessary to protect the game of these localities by special regulations in order to prevent its speedy destruction.

PURPOSE OF THE LAW.

The object of the act is to protect the game of the Territory so far as possible, but without causing unnecessary hardship; hence Indians, Eskimo, miners, or explorers actually in need of food are permitted to kill game for their immediate use. The exception in favor of natives, miners, and explorers must be construed strictly. It must not be used merely as a pretext to kill game out of season, for sport or for market, or to supply canneries or settlements, and under no circumstances can the hides or heads of animals thus killed be lawfully offered for sale.

In addition to the animals commonly regarded as game, walrus and large brown bears are protected, but existing laws relating to the fur seal, sea otter, or other fur-bearing animals are not affected. The act makes no close season for *black bears*, and contains no prohibition against the sale or shipment of their skins. Heads or skins of large brown bears, like those of other protected animals, can be shipped only in accordance with the regulations hereinafter provided. Regular hunting licenses are not issued by the Department, but shipping permits are required for the export of all trophies, without regard to the circumstances under which such trophies were secured.

TEXT OF THE ACT.

The act reads as follows:

An Act For the protection of game in Alaska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this Act the wanton destruction of wild game animals or wild birds, the destruction of nests and eggs of such birds, or the killing of any wild birds other than a game bird, or wild game animal, for the purposes of shipment from Alaska is hereby prohibited.

Game defined: The term "game animals" shall include deer, moose, caribou, sheep, mountain goats, bears, sea lions, and walrus. The term "game birds" shall include water fowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan. Nothing in this Act shall effect [affect] any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal other than bears and sea lions, or prevent the killing of any game animal or bird for food or clothing by native Indians or Eskimo or by miners, explorers, or travelers on a journey when in need of food; but the game animals or birds so killed shall not be shipped or sold.

Seasons: SEC. 2. That it shall be unlawful for any person in Alaska to kill any wild game animals or wild birds except during the seasons hereinafter provided: Large brown bears, from April fifteenth to June thirtieth, both inclusive; moose, caribou, walrus, and sea lions, from September first to October thirty-first, both inclusive; deer, sheep, and mountain goats, from September first to December fifteenth, both inclusive; grouse, ptarmigan, shore birds, and waterfowl, from September first to December fifteenth, both inclusive: *Provided*, That the Secretary of Agriculture is hereby authorized whenever he shall deem it necessary for the preservation of game animals or birds to make and publish rules and regulations which shall modify the close seasons hereinbefore established, or provide different close seasons for different parts of Alaska, or place further restrictions and limitations on the killing of such animals or birds in any given locality, or to prohibit killing entirely for a period not exceeding five years in such locality.

Number: SEC. 3. That it shall be unlawful for any person at any time to kill any females or yearlings of moose, caribou, deer, or sheep, or for any one person to kill in any one year more than the number specified of each of the following game animals: Two moose, walrus, or sea lions; four caribou, sheep, goats, or large brown bears; eight deer; or to kill or have in possession in any one day more than ten grouse, or ptarmigan, or twenty-five shore birds or waterfowl.

Guns and boats: That it shall be unlawful for any person at any time to hunt with hounds, to use a shotgun larger than number ten gauge, or any gun other than that which can be fired from the shoulder, or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds. And the Secretary of Agriculture is authorized to make and publish such further restrictions as he may deem necessary to prevent undue destruction of wild game animals or wild birds.

Sale: SEC. 4. That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, or offer for sale therein, any game animals or game birds, or parts thereof, during the time when the killing of said animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession any game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season.

Export: SEC. 5. That it shall be unlawful for any person, firm, or corporation or their officers or agents to deliver to any common carrier, or for the owner, agent, or master of any vessel or for any other person to receive for shipment or have in possession with intent to ship out of Alaska any hides or carcasses of caribou, deer, moose, mountain sheep or mountain goat, or parts thereof, or any wild birds or parts thereof: *Provided*, That nothing in this Act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition and propagation, or the export from Alaska of specimens and trophies, under such restrictions and limitations as the Secretary of Agriculture may prescribe and publish.

Penalties: SEC. 6. That any person violating any of the provisions of this Act or any of the regulations promulgated by the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That upon conviction for the second or any subsequent offense there may be imposed in addition a fine of fifty dollars for any violation of sections one and three, and a fine of one hundred dollars for a violation of section two.

Enforcement: It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs appointed for Alaska, and all officers of revenue cutters to assist in the enforcement of this Act. Any marshal or deputy marshal may arrest without warrant any person found violating any of the provisions of this Act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person, and any collector or deputy collector of customs, or any person authorized in writing by a marshal, shall have the power above provided to arrest persons found violating this Act or said regulations and seize said property without warrant, to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury upon request of the Secretary of Agriculture to aid in carrying out the provisions of this Act: *Provided further*, That nothing contained in the foregoing section of this Act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the District of Alaska animals or birds for the use of the Zoological Park in Washington, District of Columbia: *Provided further*, That such heads and hides as may have been taken before the passage of this Act, may be shipped out of Alaska at any time prior to the first day of July, anno Domini nineteen hundred and two.

Approved, June 7, 1902.

REGULATIONS UNDER THE ACT.

In accordance with the foregoing act, conferring upon the Secretary of Agriculture authority to modify the close seasons for game in different parts of Alaska and prohibit killing entirely for certain periods, to make further restrictions necessary to prevent undue destruction of game, and to prescribe restrictions governing the collection of specimens for scientific purposes, capture of live animals and birds, and shipment of specimens and trophies, the following regulations are hereby prescribed to take effect October 1, 1903:

1. LOCAL RESTRICTIONS.

Caribou.—Killing caribou on the Kenai Peninsula and on the Alaska Peninsula west of Ika Iliamna (except for scientific purposes under special permit) is hereby prohibited prior to September 1, 1908.

Walrus.—Killing walrus south of Bering Straits and Cape Prince of Wales (except by natives or for scientific purposes under special permit) is hereby prohibited prior to September 1, 1908.

Skins and tusks.—Shipment of caribou heads or skins or walrus hides or tusks obtained in the regions above mentioned is likewise prohibited, except under permits for scientific purposes or in extraordinary cases. Persons shipping walrus tusks from the port of Sitka or any sub-port of Alaska must present satisfactory evidence to officers of the customs at Seattle or San Francisco that said tusks were not obtained from animals killed in violation of these regulations.

Waterfowl.—The open season for hunting waterfowl on Afognak,

Kodiak, Uganuk, and Wood islands is hereby extended from December 16, 1903, to February 1, 1904.

2. HOUNDING.

Hunting deer, moose, or caribou with hounds *or other dogs* in any part of Alaska is strictly prohibited.

3. PERMITS.

Persons desiring to collect mammals, birds, nests, or eggs for scientific purposes; to obtain animals or birds for exhibition or propagation; or to ship game animals and birds killed in open season, should apply for permits to the Secretary of Agriculture, Washington, D. C. Applicants should state (1) the number of each kind of animal or bird they desire to kill, (2) the regions where they are to be obtained, (3) the port and probable date of shipment, and (4) the purpose for which obtained (specimens for scientific purposes, live animals for exhibition or propagation, trophies for personal use, etc.). All permits will expire on December 31 of the year in which issued, but consignments actually shipped before the expiration of the permit may be admitted on arrival at Seattle or San Francisco.

4. SPECIMENS FOR SCIENTIFIC PURPOSES.

Packages containing specimens for scientific purposes offered for shipment must be marked "Specimens for Scientific Purposes," or words to like effect, and must bear the shipper's name and address. Inattention to these details will render packages subject to examination and detention by officers of the customs. Packages of specimens addressed to the U. S. Department of Agriculture, the Smithsonian Institution, or the U. S. National Museum, if properly marked, may be shipped without permit and without examination. Packages addressed to individuals, whether officers of Executive Departments or not, must be accompanied by permit.

5. LIVE ANIMALS AND BIRDS.

Consignments of live animals or birds for exhibition or propagation must be accompanied by permits, except as stated in regulation 6. Consignments offered for shipment without permit will not be refused transportation, but may be forwarded to Seattle or San Francisco and held there at owner's risk and expense until permits are obtained.

6. PARKS EXCEPTED.

Under the provisions of section 6 live animals and birds consigned to the National Zoological Park, Washington, D. C., are not subject to the act. Live animals other than moose and brown bear (not exceeding 3 in one consignment) and live birds (not exceeding 25 in one consignment) may be shipped *without permit* to the following public zoological parks, if shipped directly to said parks and not to some agent:

Golden Gate Park, San Francisco,
Lincoln Park, Chicago,
Menagerie of Central Park, New York,
New York Zoological Society,
Zoological Society, Philadelphia.

Consignments for these parks which exceed the above-mentioned limits must be accompanied by regular permits in all cases.

7. SHIPMENT.

Hides, skins, heads, horns, trophies, specimens, live game animals, or game birds shipped from Alaska to other ports of the United States or to foreign ports must not be accepted for transportation unless shipped via Seattle, Wash., or San Francisco, Cal., to be there subject to examination by officers of the customs or representatives of this Department.

8. RESERVED RIGHTS OF DEPARTMENT.

The Department expressly reserves the right to restrict the number of each kind of game animal which may be shipped under permit (within the limits fixed by law) whenever deemed necessary by reason of local or relative scarcity of the species, or other causes; to examine at Seattle or San Francisco any or all hides, skins, heads, horns, trophies, specimens, live game animals, or game birds from Alaska, whether shipped as personal baggage or otherwise; to detain, if necessary, at said ports any consignment of game animals or birds or any part thereof not forwarded in conformity with these regulations, and to require the return of the same either to original port of shipment or to the Collector of Customs at Sitka, Alaska. Owners and masters of vessels will accept all consignments subject to these conditions. In case of return all expenses of reshipment will be paid by the vessel transporting the goods from Alaska; and the master of said vessel must file at Seattle or San Francisco a customs receipt for all goods returned to Alaska.

9. PACKING TROPHIES.

All trophies (including hides, skins, robes, antlers, horns, skulls, and similar specimens not intended for scientific purposes) must be exhibited to an officer of the customs or packed so that they can be readily examined, and the package must bear the name and address of the shipper. Trophies must not be concealed in personal baggage so as to prevent examination; and packages supposed to contain trophies improperly packed may be refused transportation until satisfactory evidence as to contents has been presented. Common carriers are enjoined to make every effort to carry out the spirit of this regulation.

10. SPECIAL MANIFEST REQUIRED.

All consignments of trophies, specimens, or live animals, whether shipped as personal baggage or otherwise, must be declared before an officer of the customs and accompanied by a *special manifest* to be forwarded to the Collector of Customs at San Francisco, Cal., or the Deputy Collector of Customs at Seattle, Wash. In case the point of shipment is not a regular port of entry, the shipper will deliver the invoice to the master of the vessel, who shall declare the goods and surrender the invoice to the proper officer of customs at the port of delivery.

11. EXAMINATION OF SHIPMENTS.

Hides, skins, heads, horns, trophies, or specimens arriving at Seattle or San Francisco, not covered by permits or shipped contrary to these

regulations, will be held for examination by officers of the Customs, promptly reported, and released only upon instructions from the Treasury Department; provided that all goods not released within sixty (60) days after arrival shall be returned to the port of shipment or to the Collector of Customs at Sitka (at the expense of the vessel bringing the same), for disposition in accordance with the provisions of section 6 of the act.

12. TRANSPORTATION IN CLOSE SEASON.

Vessels plying in Alaskan waters must not receive for transportation out of Alaska, or for consumption on the voyage, any carcasses of game animals or birds during the close season. Owners and masters of vessels are enjoined to insist upon a strict compliance with this and all other regulations governing shipment.

All special rulings of the Department in conflict with these regulations are hereby revoked.

James Wilson

Secretary.